ing in the opinion that the fact that the road ran for a short distance outside of the state would not make interstate commerce of what would otherwise be intrastate. Following this, a number of cases have held that a state may regulate transporation between two points in the state over a route which goes outside the state. *Campbell* v. *Chicago M. & St. P. Ry. Co.*, 86 Ia. 587; *Seawell* v. *Kansas City, F. S. & M. R. Co.*, 119 Mo. 222; *U. S. ex rel Kellog* v. *Lehigh Valley R. Co.*, 115 Fed 373. In *Hanley* v. *Kansas City Railway Co.*, 187 U. S. 617,which was an attempt by a state to regulate rates between two points within the state, over a route partly outside the state, the court held that the attempt was invalid, saying that such transportation is interstate commerce. In the principal case, a minority opinion, two judges concurring, took the ground that, admitting the shipment to be interstate, the statute should be held to apply to such shipment, and to constitute a valid exercise of the police power of the state, on the theory that it was not a burden on interstate commerce, but served to expedite it. This view has some support in *W. U. Tel. Co.* v. *Grove*, 220 U. S. 364, and *W. U. Tel. Co.* v. *Comm. Milling Co.*, 218 U. S. 406, in which cases statutes levying penalties for lack of diligence in sending and delivery of telegrams were held valid as to interstate telegrams. In *Bagg* v. *Wilmington etc. R. Co.*, 109 N. C. 279, a statute levying a penalty for failure to ship goods within a certain time after their receipt was held valid as to interstate shipments. *Southern Ry. Co.* v. *Reid*, (1912) 32 Sup. Ct. 140, 10 MICH. L. REV. 641, held that a statute levying a penalty for refusal to receive goods for shipment was invalid as to interstate shipments, but put the decision solely on the ground that the statute conflicted with an express provision of Congress.

CRIMINAL LAW—DEAD BODIES—PROPER BURIAL.—Defendant was indicted for failing to provide a Christian burial for his deceased infant child. The evidence showed that the defendant caused the child to be buried in a woods lot; that the body was enclosed in a worthless paper box;that the defendant refused to permit the relatives to be notified so that they could be present and that no religious ceremony attended the burial. The evidence further disclosed that defendant was financially able to procure a better coffin than that used. A verdict of guilty was reversed. *Seaton* v. *Commonwealth* (Ky. 1912) 149 S. W. 871.

The Court, though manifesting its disapproval of the "niggardly disposition" shown by the defendant, held that the defendant had kept himself within the pale of the law and had violated no duty which he owed to the Commonwealth. It was held that the defendant had the legal right to select the place of burial and kind of coffin, and to determine who should be present, and whether any services should be held at the grave. The Court said, "The custom of the country imposed upon appellant only the duty of decently burying his child." In *Reg.* v. *Vann*, 6 Brit. Cr. Cas. 324, it was said, "It is true, that a man is bound to give Christian burial to his deceased child, if he has the means of doing so. * * * He cannot sell the body, put it into a hole, or throw it into the river." In *Kanavan's Case*, 1 Greenl. 226, it was held that to cast a dead body into a river was an act indictable as an offense

against common decency. The general rule of conduct in regard to the burial of dead bodies seems to be well expressed in *Reg.* v. *Stewart*, 40 Eng. C. L. 383. In that case, the Court, in dealng with the question of the burial of a pauper, said, "It would seem that the individual under whose roof a poor person dies is bound to carry the body decently covered to the place of burial: he cannot keep him unburied, nor do anything which prevents Christian burial: he cannot therefore cast him out, so as to expose the body to violation, or to offend the feelings or endanger the health of the living, and, for the same reason, he cannot carry him uncovered to the grave."

CONSTITUTIONAL LAW — INVOLUNTARY SERVITUDE. — § 15 of the GEORGIA PENAL CODE made it a misdemeanor to contract to perform services with the intent to procure money or other thing of value thereby, and not to perform the service contracted for, and § 16 provided that proof of the contract, the procuring of money or other thing of value, the failure to perform the services so contracted for, the failure to return the money so advanced with interest at the time said labor was to be performed without good and sufficient cause, and loss or damage to the hirer should be presumptive evidence of intent. Accused was convicted under the above statute and appealed to the Court of Appeals by which a question was certified to the Supreme Court as to whether the law in question was in conflict with the 13th amendment and Rev. St. U. S. §§ 1990, 5526 enacted to enforce such amendment. *Held* constitutional. *Wilson* v. *State* (Ga. 1912) 75 S. E. 619.

A seaman may be punished criminally for breach of contract. *Robertson* v. *Baldwin*, 165 U. S. 275. But an act which attempts to punish criminally, as for fraud, an unjustified breach of a contract to labor, where the laborer received an advance with intent to defraud, and provides that breach of the contract without returning the advance shall be prima facie evidence of the intent to defraud, is unconstituional because it provides indirectly for involuntary servitude. *Bailey* v. *Alabama*, 219 U. S. 238, 31 Sup. Ct. 145, 55 L. Ed. 191. Georgia has frequently held the first section under dispute in the principal case valid on the ground that the gist of the offense described is the fraudulent conduct of the defendant and not merely the breach of contract. *Lamar* v. *State*, 120 Ga. 312, 47 S. E. 958; *Townsend* v. *State*, 124 Ga. 69, 52 S. E. 293; *Latson* v. *Wells*, 136 Ga. 681, 71 S. E. 1052. The way in which the court distinguishes the principal case from *Bailey* v. *Alabama*, *supra*, is interesting. Alabama has a rule of evidence, which was read into the statute by the United States Supreme Court, to the effect that the accused cannot testify in regard to uncommunicated motives. *Bailey* v. *State*, 161 Ala. 77. Georgia on the other hand is the only state in which the accused is not allowed to testify at all. THOMPSON, TRIALS, 2nd Ed., § 660. But he is there allowed the old common law right to make a statement, not under oath, to the jury which statement "shall have such force as the jury may think right to give it. They may believe it in preference to the sworn testimony in the case." PENAL CODE, § 1036. The Georgia court lays considerable stress on the above differences in the rules of evidence in the two states; but whether the United States Supreme Court will do the same may well be